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MORRIS MANNING & MARTIN LLP
1600 ATLANTA FINANCIAL CENTER
3343 PEACHTREE ROAD, NE
ATLANTA GA 30326-1044

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OFFICE OF PETITIONS

In re Application of :
John David West Brothers :
Application No. 09/922,209 : **ON PETITION**
Filed: 3 August, 2001 :
Attorney Docket No. 9339/34809 :

This is a decision on the petition filed 18 October, 2001, to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).
The petition is granted.

This application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by: (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;¹ (2) the petition fee as set forth in 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition has been found in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office


¹ The filing of a petition under this section will not relieve applicant of his obligation to reply to any outstanding Office action.

of a foreign or international filing within 45 days as provided by 35 USC 122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

A Corrected Filing Receipt which sets forth the projected publication date, 27 June, 2002, accompanies this decision on petition. In view of the rescinding of the nonpublication request, a Notice of Publication Fee Due is being mailed concurrently with this decision under separate cover. Petitioner should note that payment of the publication fee is required to be filed within the period set forth in the Notice to avoid abandonment of the application.

This application is being forwarded to the Office of Initial Patent Examination for further processing and to await a reply to the Notice of Publication Fee Due mailed concurrently with this decision.

Any inquiries concerning this decision may be directed to the undersigned at (703) 308-6918.


Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt